

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Hampshire



Matthew-Lane: Hassell

Plaintiff(s)

v.

CHERYL L. KIMBARK

Defendant(s)

Civil Action No. 23-cv-472-JL-AJ

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CHERYL L. KIMBARK
 3 Stoneleigh Dr.
 Derry, N.H. 03038

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew-Lane: Hassell
 45 Falcon Crest Way
 Manchester, New Hampshire [03104]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 10/19/2023
 with ECF Notice attached.



DANIEL J. LYNCH, Clerk

By: Erica DiFabio, Deputy Clerk

OCT 19 2023

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 10/19/2023 at 1:56:18 PM EDT and filed on 10/16/2023

Case Name: Hassell v. Kimbark et al

Case Number: 1:23-cv-00472

Filer: Matthew-Lane Hassell

Document Number: 1

Docket Text:

COMPLAINT against Michael L. Alfano, Cheryl L. Kimbark, Devin Aileen Kimbark, Mark Kimbark, Todd H. Prevett, Kerry P. Steckowych with Jury Demand (Filing fee \$ 402 receipt number 995) filed by Matthew-Lane Hassell. (Attachments: # (1) Defendant List, # (2) Points and Authority, # (3) Civil Cover Sheet, # (4) Summonses)(ed)

1:23-cv-00472 Notice has been electronically mailed to:

1:23-cv-00472 Notice, to the extent appropriate, must be delivered conventionally to:

Matthew-Lane Hassell
45 Falcon Crest Way
Manchester, NH 03104

The following document(s) are associated with this transaction:

Document description:Main Document

Utility Events

1:23-cv-00472 Hassell v. Kimbark et al

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 10/19/2023 at 2:42 PM EDT and filed on 10/16/2023

Case Name: Hassell v. Kimbark et al

Case Number: 1:23-cv-00472-JL-AJ

Filer:

Document Number: No document attached

Docket Text:

Case assigned to Judge Joseph N. Laplante and US Magistrate Judge Andrea K Johnstone. The case designation is: 1:23-cv-472-JL-AJ. Please show this number with the judge designation on all future pleadings. (ed)

1:23-cv-00472-JL-AJ Notice has been electronically mailed to:

1:23-cv-00472-JL-AJ Notice, to the extent appropriate, must be delivered conventionally to:

Matthew-Lane Hassell
45 Falcon Crest Way
Manchester, NH 03104

Notices1:23-cv-00472-JL-AJ Hassell v. Kimbark et al**U.S. District Court****District of New Hampshire****Notice of Electronic Filing**

The following transaction was entered on 10/19/2023 at 2:43 PM EDT and filed on 10/19/2023

Case Name: Hassell v. Kimbark et al

Case Number: 1:23-cv-00472-JL-AJ

Filer:

Document Number: No document attached

Docket Text:

NOTICE. This case has been designated for Electronic Case Filing. All further submissions shall be filed in compliance with the Administrative Procedures for Electronic Case Filing. Pro se litigants are not required to file electronically and may continue to file documents in paper format. Persons filing electronically are strongly encouraged to complete the interactive training modules available on the courts website. To access these modules, click [HERE](#). (ed)

1:23-cv-00472-JL-AJ Notice has been electronically mailed to:

1:23-cv-00472-JL-AJ Notice, to the extent appropriate, must be delivered conventionally to:

Matthew-Lane Hassell
45 Falcon Crest Way
Manchester, NH 03104

Service of Process:1:23-cv-00472-JL-AJ Hassell v. Kimbark et al**U.S. District Court****District of New Hampshire****Notice of Electronic Filing**

The following transaction was entered on 10/19/2023 at 2:45 PM EDT and filed on 10/19/2023

Case Name: Hassell v. Kimbark et al**Case Number:** 1:23-cv-00472-JL-AJ**Filer:****Document Number:** 2**Docket Text:**

Summonses issued by mail as to Michael L. Alfano, Cheryl L. Kimbark, Devin Aileen Kimbark, Mark Kimbark, Todd H. Prevett, Kerry P. Steckowych. Counsel shall serve all documents in accordance with Fed. R. Civ. P. 4. (Attachments: # (1) Notice ECF)(ed)

1:23-cv-00472-JL-AJ Notice has been electronically mailed to:

1:23-cv-00472-JL-AJ Notice, to the extent appropriate, must be delivered conventionally to:

Matthew-Lane Hassell
45 Falcon Crest Way
Manchester, NH 03104

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1045603718 [Date=10/19/2023] [FileNumber=2712564-0] [6ac113da9f0493f929e00bce663082d1f49ca2a5e237d4c9bf030f5563c66bf24742e3d1ed8b80dee86b5283ce5b12fcf9695810bfce970bbab7b2e42198390]]

Document description:Notice ECF**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1045603718 [Date=10/19/2023] [FileNumber=2712564-1] [150db1ffd16930f498e7fa5f015e83aa2745c0cc5fc4c87e4a3466417ea24a0fc8d38134e118113f2695bd2cb25ee2f9331999bff1981cc203b19ac806c3373e]]

**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

IMPORTANT NOTICE

ATTORNEYS REQUIRED TO FILE ELECTRONICALLY

Unless specifically exempted, all documents submitted by members of the bar of this district, as well by attorneys admitted pro hac vice, shall be filed in accordance with the district's Administrative Procedures for Electronic Case Filing ("ECF"). For attorneys, that means that while some limited documents will still be filed in paper format, the vast majority of all future pleadings must be submitted electronically using the court's Electronic Case Filing (ECF) system (including cases involving pro se parties). Pro se litigants, however, are not required to file electronically and may continue to file documents in paper format.

The District of New Hampshire is a NextGen CM/ECF court, which means attorneys use their individual PACER accounts to file documents in this district. Section 6.1 of the Administrative Procedures for ECF requires that attorneys appearing in an ECF case must request access to the court's ECF system through PACER. However, attorneys who filed in this district prior to November 12, 2019 must instead link their individual PACER account with their legacy ECF account.

For more information on NextGen CM/ECF visit the court's website.

NOTICE TO PLAINTIFF: You are instructed to serve a copy of this notice on all parties in this case along with the complaint.

DANIEL J. LYNCH
Clerk

**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

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NOTICE TO PLAINTIFF: You are instructed to serve a copy of this notice on all parties in this case along with the complaint.

DANIEL J. LYNCH
Clerk

**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

	}
Matthew-Lane: Hassell,	}
Plaintiff	}
	}
V.	}
	}
Devin Aileen Kimbark	}
DOES 1 - X	}
Defendant/(s)	}
_____	}

CIVIL ACTION CLAIM FOR DAMAGE(S)

**Trial by Jury Requested
12 Pages**

Matthew-Lane: Hassell, Agent
45 Falcon Crest Way
Manchester, New Hampshire {03104}
(603)231-0844
mhas191@yahoo.com

Devin Aileen Kimbark
3 Stoneleigh Dr.
Derry, New Hampshire 03038
Phone Number Unknown
Dak0292@yahoo.com

Basis for Jurisdiction:

To be clear, I do not contest violations of my constitutional rights, I contend agents, posing as government, conspired to deprive me of Prerogative Rights and Unalienable Rights and Natural Rights, in violation of their oath of office, which injured me. They violated their 1st Amendment and 4th Amendment and 5th Amendment and 9th and 14th Amendment contractual government restrictions.

I am bringing forth this CIVIL ACTION CLAIM to go after them in their individual and corporate capacity. How can a government agent do anything, it's a fiction. It relies on the individual to enforce the orders. The corporation insures them not to breach that trust. But it is the individual that decides every action and therefore all agents mentioned are liable on their individual capacity and their corporate capacity. If nothing else the corporations are liable for such claim for damage(s) under Title 15 § 1 and 2 and the Racketeer Influenced and Corrupt Organization Act (here and after known as

RICO ACT) and Title 42 § 1983 and Title 18 § 3571 Sentence of Fine, for their agents and must surrender those insurance bonds.

In addition to this, they have violated New Hampshire State Constitutional Law to include but not limited to: Art. 2. (and 2-b Right of Privacy) Natural Rights and Article 3. **Society, its Organization and Purposes** and Art. 4. Rights of Conscience Unalienable and Art. 7. State Sovereignty and Art. 15. Right of Accused and Art. 23. Retrospective Laws Prohibited and Art. 33. Excessive Bail, Fines, and Punishments Prohibited, and Article 37. **Separation of Powers** and Art. 84. Oath of Civil Officers.

The 1st Amendment and Article 2 and 2-b and 4 and 15 and 33 of the New Hampshire Constitution are being violated by denying me my right to communicate with our daughter. I have a right to speak with her. She has a right to speak with me. These fatherly as well as motherly bonds are stronger and strongest for the first 5 years of the child's life. I have been denied 11 months of visitation and still no access to communicate with my daughter unless I am supervised and then only for 4 hours a week.

I have had my child seized in violation of the agents U.S. Constitution 4th Amendment government restriction (and Article 2 and Article 4 and Article 15 and Article 23 and Article 33 and Article 84 of the New Hampshire State Constitution). Show me a warrant signed by a neutral judge and properly sealed by the clerk of the court.

That is the first denial of due process of law, I have had my child seized and I demand all agents cease and desist all of their actions, which violate their oath of office and immediately grant me equal custody and retroactive custody.

The second denial of due process of law and equal protection under the law is, I have had credit(s) seized through the Bureau of Child Support Services. They violated the U.S. Constitution 4th Amendment government restriction and Articles 2-b and Article 3 and Article 7 and Article 12 and Article 33 of the New Hampshire State Constitution) and in doing so, I have been denied fair and equal access to my child.

I have been denied fair and equal access to our daughter due to a fraudulent and criminal denial of due process of law, in violation of the judges and possibly others, U.S. Constitution 5th Amendment government restriction and Article 2 and Article 3 and Article 4 and Article 7 and Article 15 and Article 23 of the New Hampshire State Constitution. There has been no evidence presented and no proven testimony that any of the charges mentioned by Ms. Kimbark are true. If she had adequately been able to provide the police with charges and evidence to support them, they would have arrested and prosecuted me. Ms. Kimbark made her false claims in a State court without jurisdiction. If she had such evidence, the police would prosecute me. Because none exists, Ms. Kimbark is merely slandering and demeaning my good name, which is libel when printed in court paperwork.

In addition to the aforementioned violations I also include denial of equal protection under the law, in violation of the judges U.S. Constitution 14th Amendment government

restriction and Article 15 and Article 33 of the New Hampshire State Constitution. The very first thing a judge should do is order equal custody of any and all minor children until such time as either party withdraws their rights and their interests to the minor child(ren). Again, if there is evidence of any real crimes, Ms. Kimbark and/or her mother (Cheryl Kimbark) and/or her adoptive father (Mark Kimbark) should present such evidence to the proper authorities.

Furthermore, since Ms. Kimbarks parents are harboring her in her acts, they are co-conspirators and liable and culpable.

In addition to this they have violated State Laws to include but not limited to; NH Rev Stat § 643:1 Official Oppression and NH Rev Stat § 626:8 Criminal Liability for Conduct of Another and NH Rev Stat § 626:2 General Requirements of Culpability and NH Rev Stat § 633:2 Criminal Restraint and NH Rev Stat § 633:3 False Imprisonment and NH Rev Stat § 421-A:8 Fraudulent, Deceptive or Manipulative Practices and NH Rev Stat § 641:1 perjury and NH Rev Stat § 641:2 False Swearing and NH Rev Stat § 641:4 False Reports to Law Enforcement.

In addition to the violations of the 1st, 4th, 5th and 14th amendment restriction violations mentioned above, I'll also be adding the 9th Amendment prerogative rights as Phoenix's father for her care and upbringing.

I. Introduction:

Plaintiff brings this action under the RICO Act, 18 U.S.C. §§ 1961-1968, alleging that Rockingham County and Defendant(s), known and unbeknownst to Plaintiff, has engaged in a pattern of racketeering activity through its Title IV-D child support services, DMV, and related entities, including racketeering activities of fraud, extortion, and conspiracy to commit such acts to include but not limited to any and all other constitutional, federal and state crimes and or violations.

In addition to the RICO Act claim, Plaintiff asserts violations of federal constitutional law for unconstitutional coercion to contract in the attempt of taking of property, deprivation of due process, and equal protection, and for violations to include but not limited to the First and Fourth and Fifth and Ninth and Fourteenth Amendment government restrictions to the U.S. Constitution and the State of New Hampshire Constitution to include but not limited to Article Two and Four and Fifteen and Twenty Three and Thirty Three and Eighty Four.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this matter under 28 U.S.C. § 1331, which confers federal question jurisdiction over cases arising under federal law. This Court also has supplemental jurisdiction under 28 U.S.C. § 1367 over Plaintiff's state law claims that are related to Plaintiff's federal claims.

III. FACTS

1) This matter started on the 12th of November, 2022, when Ms. Kimbark after just three weeks before, having her and my first child, made false and/or misleading claims to her family members Mark and Cheryl Kimbark, who without having any first hand knowledge of any claims being made, involved the City of Manchester Police.

2) Cheryl Kimbark (Ms. Kimbarks mother) claimed to police that, Ms. Kimbark was trying to leave our domicile because of a family disagreement (that included but not limited to Ms. Kimbark may be suffering from postpartum and emotional depression and needed to possibly rest and recover before further disagreement and/or conversation was to proceed) and Ms. Kimbark was unable to leave because her car would not start. Ms. Kimbark claimed that I must have sabotaged her car.

3) Upon police investigation/inspection, no sabotage was found and in fact the vehicle was found to have a dead battery. That would be due to Ms. Kimbarks neglect and/or incompetency. I then assisted Ms. Kimbark in (jumpstarting) her vehicle, while the police watched.

4) Ms. Kimbark proceeded to slander me to the police after her parents filed a false police report against me. It's been more than 10 months, if they had any evidence their claims were true, they would have prosecuted me by now. Ms. Kimbark was possibly having postpartum depression and emotional issues as previously discussed for three weeks, after giving birth to our child on the 22nd of October, 2022.

Comment: Ms. Kimbark is not a credible witness. She has no physical evidence to support her wild claims and I submit that she is defaming me to gain an upper hand in these custody proceedings. Is she emotionally distraught and therefore incapable of taking care of our child or is she purposely misleading the court, which may be seen as fraud?

5) The original order was issued Ex Parte and therefore, I was denied due process of law and equal protection under the law. I was sick with covid and should have been offered a second chance to be heard, the judge did not exhaust remedy.

6) That is another judicial violation where I was denied due process of law and equal protection under the law. Again, predicated by Ms. Kimbarks written lies and unsubstantiated claims. The judge ordered Ms. Kimbark to have sole decision making and sole residential responsibility and a restraining order against me. This is another account of due process of law and equal protection under the law.

7) In the judges narrative orders (Michael L. Alfano), on the hearing held on the 22nd of March, 2023, the judge gave a statement of jurisdiction without proof of jurisdiction on the record. On multiple occasions the judge has denied me evidentiary hearings.

In accordance with the Social Security act the judge ordered;

i) very little time with my daughter. Two hours supervised visitation on Saturday's and Sunday's;

ii) the judge ordered the highest amount of child support prescribed by law;

iii) the judge continued to show bias and prejudice (additional accounts) when the judge ordered me to drug testing, but did not do the same with Devin;
 iv) the judge has denied due process of law and equal protection under the law multiple times;

Comment: By denying the 5th and 14th amendment to the restrictions of government and its agents and the State of New Hampshire State Constitution Art. 2. Natural Rights and Art. 4. Rights of Conscience Unalienable and Article 7 State Sovereignty and Art. 15. Right of Accused and Art. 23. Retrospective Laws Prohibited and Art. 33. Excessive Bail, Fines, and Punishments Prohibited, and Art. 84. Oath of Civil Officers, would prove a violation to include but not limited to, the New Hampshire Code of Judicial Conduct Rule 1.1 Compliance with the Law and NH Rev Stat § 643:1 Official Oppression and would make the judge criminally liable (NH Rev Stat § 626:8) and culpable (NH Rev Stat § 626:2) in such conspiracy to include but not limited to 18 U.S. Code § 241 - Conspiracy against rights and 18 U.S. Code § 242 - Deprivation of rights under color of law, against Petitioner and the fictitious obligations (18 U.S. Code § 514) set upon him, based upon hearsay and perjury claims with no evidence to prove such.
 v) the above further shows bias and prejudice on behalf of the judge.

8) After which, the Bureau of Child Support Services continuously attempted to coerce Petitioner into contract payments over several months. Each and every time a contract was presented to Petitioner, Petitioner did not accept and/or consent to any and all contracts through such commercial entirety. In fact Petitioner sent many mailings over multiple months, explaining he did not accept and/or consent to contract with the Bureau of Child Support Services (to include but not limited to filings in the 10th Circuit- Family District- Derry Court.

9) Petitioner has asked through mailings and phone calls to representatives Mary Rose and/or Betty Raymond, to the Bureau mentioned above for a hearing with the Bureau of Child Support Services, to contest such contract and the legal and lawful ramifications of such fraudulent means of contracting with Petitioner and that I am still waiting on my right to be heard.

10) A NOTICE of DEFAULT to said Bureau was sent on the 21st of June, 2023 to stop such UNLAWFUL COERCION TO CONTRACT and a NOTICE TO CHALLENGE and RESCIND CONTRACT and a NOTICE OF DEFAULT JUDGMENT and PAYMENT (BCSS Case ID: 30154779C).

11) By their silence they have acquiesced. The Bureau of Child Support Services and its agents are equally culpable and liable. To also include but not limited to their extortion and racketeering practices (RICO Act, 18 U.S.C. §§ 1961-1968).

12) The Bureau of Child Support Services ignoring any and all request made by Petitioner and under the guise of a legal and lawful contract, contacted Petitioner's employer and garnished his wages without authority and/or contract with Petitioner, bringing further undue burden of loss(es) upon him and has injured him by such.

13) Following these issues, I have filed multiple motions for evidentiary hearings. On each instance, 3/22/2023 and 4/24/2023 and 5/17/2023 I was contested by Devin through her attorney and have been denied truth in evidence by the judge. Devin is slandering my good name (libel when written) and does not want possible criminal prosecution for such. This is another count of the Judge denying me equal protection under the law.

14) As an officer of the Court, Attorney Jennifer L. DiTrapano and the firm she represents (Germaine & Blaska, P.A.) are equally liable and culpable and for its Fraudulent, Deceptive or Manipulative Practices (NH Rev Stat § 421-A:8) in attempting to coerce and/or conspire in multiple pleadings made through and by Attorney DiTrapano, to force her clients contract payments onto Petitioner.

15) I have entered multiple un rebutted affidavits into the court record. The judge repeatedly ignores them and denies my motions to hear them.

16) Judge Kerry P. Steckowych (the third judge in this matter) has continued with the same constitutional violations as well as biased and prejudiced acts. None of the three judges have proven my challenge of jurisdiction. The judges have not proven they are agents of government (Article III Courthouse judges). The judges did not prove they have a contract or other commercial agreement that obligates me to obey their rules, codes, statutes, regulations or the like. The judges have not proven they have a valid warrant to seize my child. The judges have repeatedly denied me due process of law, in violation of the 5th Amendment restriction. The Judges have repeatedly denied me equal protection under the law in violation of the 14th Amendment restriction.

17) No State judge can decide in favor of either parent without being prejudiced due to the Social Securities Act (as though fully entered herein). The Social Security Act-Title IV-D Section 458-Incentive Payments to States, pays all States and their Judicial subdivisions a percentage of every dollar paid for child support.

18) I have presented this truth to the court and the judge ignored it and did not respond in any medium reasonable under the circumstances. The judge neither addressed the issue nor denied the issue. He just ignored it and proceeded, depriving me of the natural right to my child. This may be seen as deliberate indifference and/or judicial misconduct and/or a fraud upon the court, amongst other crimes, if I am correct.

19) If state judges get paid by the federal government, based on one parent being ordered significantly more time and access to the child, such decisions can only and will always be seen as prejudice therefore, until the Social Security Act is revised, striking such incentives from the record, all decisions ordering disproportionate amounts of child custody (visitation) and any amount of child support awards are void due to constitutional restrictions and violations of canons of law. Specifically the 14th Amendment protection equal protection of the law and Canon of Law 2.2.

20) This matter has been brought to the attention of government agents to include but not limited to Jason on the 30 of June, 2023 around 11:30 am and on or around the

IV. CLAIMS FOR RELIEF

Count I – RACKETEER INFLUENCED and CORRUPT ORGANIZATION ACT (here and after known as RICO Act) 18 U.S.C. §§ 1961-1968 Violations to include but not limited to State and Federal Laws.

Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 28 above.

Defendant(s) and agents, known and unbeknownst, have engaged in a pattern of racketeering activity in violation of the RICO Act, to include but not limited to all hearsay claims made by Attorney Jennifer L. DiTrapano and orders, requests, statements, claims of the records made by Judge Kerry P. Steckowych and/or Michael L. Alfano and/or Judge Todd H. Prevett and/or the Bureau of Child Support Services.

Defendant(s) alleged pattern, of agents, known and unbeknownst to Plaintiff, of racketeering activity includes the commission of the following predicate acts: fraud and bank fraud and securities fraud and extortion and coercion and intimidation and retaliation and conspiracy, to commit such acts.

Defendant(s) alleged pattern, of agents, known and unbeknownst to Plaintiff, of racketeering and extortion activity has caused injury to Plaintiff, in the form of: Trespass(es) of and on his Life and Liberties and pursuit thereof, to include but not limited to: Trespass(es) on Constitutionally Protected Right(s) (Government Restrictions) and Scheduled Fee(s) and Bearer of being under protest and duress in the entirety of this matter since the 12th of November, 2022 to current date and bearer of financial loss(es) and bearer of official Oppression and Criminal Restraint and False Imprisonment and Perjury and Conspiracy and Fraudulent and Deceptive and Manipulative Practices and False Swearing and Criminal Liability for Conduct of Another and General Requirements of Culpability and False Reports to Law Enforcement and Obstruction of Justice and emotional and mental anguish.

Defendant(s) conduct, of agents, known and unbeknownst to Plaintiff, violates the RICO Act, and Plaintiff is entitled to damage(s), including treble damages, retrograde of custodial time, punitive damages, cost(s) and schedule fee(s) under the Rico Act and Titles 18 U.S. Code § 1964 and 18 U.S. Code § 3571 and 15 U.S. Code § 1 and 2.

Count II – Violations of Federal Constitutional Law

Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 28 above.

Defendant(s) alleged conduct, of agents, known and unbeknownst to Plaintiff, has violated Plaintiff's rights and government restrictions under the First, Fourth, Fifth, and

Fourteenth Amendments to the U.S. Constitution and other Federal and State violations giving cause to Petitioners claim for damage(s) under the Rico Act and Title 15 U.S. Code § 1 and 2 and Title 42 U.S. Code § 1983.

Defendant(s) conduct, of agents, known and unbeknownst to Plaintiff, constitutes an unconstitutional taking of property and deprivation of due process, and denial of equal protection under the law.

Plaintiff is entitled to injunctive relief and damage(s), including compensatory damage(s) and punitive damage(s) and cost(s) and schedule fee(s), for Defendant(s) and agents, known and unbeknownst to Plaintiff, and for violations of government restrictions of the constitution for the United States of America and the constitution for the State of New Hampshire.

Count III - Violations of New Hampshire State Constitutional Law

Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 28 above.

Defendant(s) conduct, of agents, known and unbeknownst to Plaintiff, has violated New Hampshire State Constitution and New Hampshire State Laws to include but not limited to; Violating Plaintiff's rights and government restrictions under the First and Fourth and Fifth and Ninth and Fourteenth Amendments to the U.S. Constitution and the New Hampshire State Constitution government restrictions to include but not limited to Art. 2. Natural Rights and Art. 4. Rights of Conscience Unalienable and Art. 7. State Sovereignty and Art. 15. Right of Accused and Art. 23. Retrospective Laws Prohibited and Art. 33. Excessive Bail, Fines, and Punishments Prohibited and Art. 84. Oath of Civil Officers and other Federal and State violations giving merit and cause to Petitioners claim for damage(s) under the Rico Act and Title 15 U.S. Code § 1 and 2 and Title 42 U.S. Code § 1983.

Defendant(s) conduct, of agents, known and unbeknownst to Plaintiff, constitutes an unconstitutional taking of property and deprivation of due process of law and equal protection under the law.

Plaintiff is entitled to injunctive relief and damage(s), including compensatory damage(s) and punitive damage(s) and cost(s) and schedule fee(s) and for Defendant(s) and agents, known and unbeknownst to Plaintiff, and for violations of government restrictions of the constitution of the United States and the constitution for the State of New Hampshire.

SUMMARY:

In my original parenting plan, I asked for 51/49 Percent Custody and equal protection under the law, which every judge has denied me such and due process of law.

Devin has misrepresented me to the court multiple times and perjured herself and slandered and libeled me, and therefore has injured me.

The best interest for the child seems to be where the state can make the most money from said child in accordance with the Social Security Act as previously cited herein.

The Courts should only decide the best benefit for the child and according to the statistics (child rearing statistics), boys and girls do best with the father, rather than the mother.

Any claim of "immunity" which the government agents could possibly make is a fraud, because if valid, it would prevent removal from office for crimes against the people, which removal is authorized or even mandated under the U.S. Constitution Article 2, Section 4, as well as 18 U.S.C. 241 and 18 U.S.C. 242 and 42 U.S.C. 1983 and 42 U.S.C. 1985 and 42 U.S.C. 1986 and state constitutions as well as the Constitution for the United States of America.

Because they have violated the government restrictions of the U.S. Constitution and the government restrictions of the N.H. State constitution, the government agents do not have immunity under the 11th Amendment of the U.S. Constitution.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner, Matthew-Lane: Hassell, a Propria Persona Sui Juris, respectfully demand and instruct that this Honorable Court order the following relief:

- A. Grant Petitioner immediate 50/50 custodial grantorship of minor child with retroactive custodial parenting time to start immediately;
- B. Order both parties enjoy equal decision making responsibilities of child daycare and school and medical care, etc., and each party is to reimburse the other party for out-of-pocket expenses;
- C. Order an immediate Cease and Desist to the Bureau of Child Support Services wage garnishment and arrearages being sought against Petitioner and return all wages and arrearages unlawfully collected;
- D. Order that no State judge can make any order in family court other than 50/50 equal custody, until the Social Security Act is voided, repealed, canceled;
- E. If either parent/party makes criminal accusations in a family court matter, the accusations must be brought to the proper authorities and ignored by the family court. Until a party is convicted they are entitled to equal protection under the law; Both parties are to be liable to the punishment, if the accused is acquitted, the accuser is sentenced to the same pains and punishments as to what the accused would have been, as prescribed by law;

F. I am requesting an amount in excess of Seventy Five Thousand Dollars;
 G. Grant Petitioner Punitive and Injunctive and Compensatory Relief Damages and Default of Schedule Fee(s) amount in excess of Seventy Five Thousand Dollars as damages. The 3 Judges (Todd H. Prevett and Michael L. Alfano and Kerry P. Steckowych) shall each be sanctioned with the following violations;

I. For violating their oath of office and employment contract and authority. In failing to defend and protect the U.S. Constitution and the New Hampshire State Constitution and thereby injuring me;

li. For violations of the U.S. Constitution and denying me due process of law (5th Amendment) and equal protection under the law (14th Amendment), I demand their employment bond in the amount of One Million (\$1,000,000.00 U.S.D.) Dollars each, for a total of Three Million (\$3,000,000.00 U.S.D.) dollars;

lii. For violations of New Hampshire State Constitution, Articles 2 Natural Rights and 4 Rights of Conscience Unalienable and 15 Right of Accused, Punitive Damages and Schedule Fees shall be awarded from each judge and in accordance with Title 15 U.S. Code § 1 of One Million (\$ 1,000,000.00 U.S.D.) Dollars each, for a total of Three Million (\$3,000,000.00 U.S.D.) Dollars;

Iv. For Federal and State Law violations Todd H. Prevett and Michael L. Alfano and Kerry P. Steckowych are to be sanctioned to the full extent of the law as prescribed by Title 15 U.S. Code § 1 and Title 18 § 3571;

- A. NH Rev Stat § 643:1 Official Oppression
- B. NH Rev Stat § 626:8 Criminal Liability for Conduct of Another
- C. NH Rev Stat § 626:2 General Requirements of Culpability
- D. Title 18 U.S. Code § 241
- E. Title 18 U.S. Code § 242
- F. NH Rev Stat § 633:2 Criminal Restraint
- G. NH Rev Stat § 633:3 False Imprisonment

H. Devin Aileen Kimbark is to be sanctioned to the fullest extent of the law as prescribed by Title 18 § 3571;

- I. NH Rev Stat § 633:2 Criminal Restraint
- li. NH Rev Stat § 633:3 False Imprisonment
- lii. NH Rev Stat § 641:1 perjury
- Iv. NH Rev Stat § 641:2 False Swearing
- V. NH Rev Stat § 641:4 False Reports to Law Enforcement
- Vi. NH Rev Stat § 644:11 Criminal Deformation

I. Cheryl Kimbark and Mark Kimbark are to be sanctioned to the fullest extent of the law as prescribed by Title 18 § 3571;

- I. NH Rev Stat § 626:8 Criminal Liability for Conduct of Another
- li. NH Rev Stat § 626:2 General Requirements of Culpability
- lii. NH Rev Stat § 633:2 Criminal Restraint
- Iv. NH Rev Stat § 633:3 False Imprisonment

- V. NH Rev Stat § 641:1 perjury
- Vi. NH Rev Stat § 641:2 False Swearing
- Vii. NH Rev Stat § 641:4 False Reports to Law Enforcement.
- Viii. NH Rev Stat § 644:11 Criminal Deformation

J. Grant any such further relief as justice may require.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for the further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

VOID WHERE PROHIBITED BY LAW

ALL RIGHTS RESERVED WITHOUT PREJUDICE 1-308

Date: 16th of October, 2023

Matthew-Lane Hassell

Matthew-Lane: Hassell authorized agent of
MATTHEW LANE HASSELL
45 Falcon Crest Way
Manchester, New Hampshire [03104]
(603) 231-0844
mhas191@yahoo.com

Platsky v. C.I.A. United States Court of Appeals, Second Circuit Nov 24, 1991, 1953 F.2d 26 (2d Cir. 1991). Reversing district court for dismissing pro se complaint for lack of standing without explaining formalities of pleading and affording pro se plaintiff an opportunity to replead.

Points and Authorities and Legal and Lawful Judicial and Clerical Notice and Definitions to follow this document.

POINTS AND AUTHORITY

Bell v. City of Milwaukee, 746 F.2d 1205, 1255 (7th Cir. 1984); United States v. Andolschek, 142 F.2d 503, 507 (2d Cir. 1944) (L. Hand, J.). Beyond this, attempts at definition will not help. **JONES v. CITY OF CHICAGO, 856 F.2d 985, 992 (7th Cir. 1988).** To be liable as a conspirator you must be a voluntary participant in a common venture, although you need not have agreed on the details of the conspiratorial scheme or even know who the other conspirators are. It is enough if you understand the general objectives of the scheme, accept them, and agree, either explicitly or implicitly, to do your part to further them. See, e.g., *id.* at 383-85; **Bell v. City of Milwaukee, 746 F.2d 1205; US Ct App 7th Cir WI, (1984).** The Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake.

Comment: By the Stare Decisis Decision cited above all named defendant(s) and agents unbeknownst to plaintiff are liable (NH Rev Stat § 626:8) and culpable (NH Rev Stat § 626:2) as conspirators in depriving (Title 18 U.S. Code § 241 and Title 18 U.S. Code § 242) me of my child and of the government restrictions of the U.S. Constitution and the New Hampshire State Constitution and Federal laws and State laws cited within my Claim for Damage(s). Also cited in and is precedent to this matter **Pacific Mutual Life Insurance Company, Petitioner, v. Cleopatra Haslip et al. 499 U.S. 1 (111 S.Ct. 1032, 113 L.Ed.2d 1)**, This court awarded 4 times compensatory damages and 200 times punitive as not being excessive. Multiple cases cited herein to answer questions of excessive damage. Also see **Green Oil Co. v. Hornsby, 539 So.2d 218 (Ala.)**. Therefore, excessive fines are not applicable to this matter in the defendant's private capacity for punitive damages and Plaintiff has the right to pursue 200 times in punitive damages and 4 times compensatory damages. Also see **Franz v. U.S., 707 F.2d 582, 595^Q599; US Ct App (1983)**. Also see and is precedent to this matter **Estate of Macias v. Lopez, 42 F.Supp.2d 957 (N.D.Cal. 1999)**.

Black vs. Clark's Greensboro, Inc., 263 N.C. 226, 139 S.E.2d 199, 201 (1964). Any exercise of force, or expressed or implied threat of force, by which in fact the other person is deprived of his liberty, compelled to remain where he does not wish to remain, or go where he does not wish to go, is an imprisonment.

Comment: By the Stare Decisis Decision cited above all named defendant(s) and agents unbeknownst to plaintiff are liable as conspirators in the criminal restraint and false imprisonment (visitation) every weekend since the hearing held on March 22, 2023 to current date, to also include but not limited to Officer of the Court Attorney Jennifer L. DiTrapano and the firm she is employed by. Also cited with Stare Decisis Decision **Garnier vs. Squires, 62 Kan. 321, 62 Pac. 1005, 1006, 1007 (1900); Kroeger vs. Passmore, 36 Mont. 504, 93 Pac. 805, 807 (1908)**. Also see and is precedent to this matter **Fox v. McCumin, 205 Iowa 752, 218 N.W. 499, 501 (1928); Sergeant v. Watson Bros. Tramp. Co., 244 Iowa 185, 52 N.W.2d 86, 93 (1952)**.

Brookfield Construction Co. v. Stewart A.K.A. Brookfield Construction Co., Inc., and Baylor Construction Corp., Appellants, v. J. George STEWART, Individually and as Architect of the Capitol, Appellee. 339 F.2d 753, 119 U.S. App. D.C. 254. Once a Government Official exceeds his Oath of Office, his employment contract or his jurisdiction, he no longer represents the government. Courts may not step in and either stay or compel executive action unless executive official was acting in excess of his statutory authority or transgressed a constitutional limitation, and mere fact that he might be acting erroneously or perhaps even tortuously does not vest courts with jurisdiction to act.

Comment: By the judges denying me an evidentiary hearing multiple times and denying me due process of law and equal protection under the law and denying to prove their jurisdiction, they have exceeded their Oath of Office and their employment contract and no longer represent the U.S. Government. Also see and is precedent to this matter **Pierson v. Ray, 386 U.S. 547 at 567 (1967)**.

Burlington v. Josephson, 153 Fed.2d 372,276 (1946). Arrest is presumed to be false; officer has the burden of proof. The only thing the plaintiff needs to plead and to prove is either (1) that the defendant made an arrest or imprisonment, or (2) that the defendant affirmatively instigated, encouraged, incited, or caused the arrest or imprisonment.

Comment: Ms. Kimbark, through and by her Attorney Jennifer L. DiTrapano, has made slanderous and libelous and deformational claims against me, to which then the judges depriving me of the 5th and 14th constitutional government restrictions and depriving me of multiple government restriction of the State of New Hampshire Constitution, placed orders upon me, incited by such claims without proof. The judges in their beliefs encouraged by Attorney Jennifer L. DiTrapano, criminally restrained and imprisoned me to two hour visitations twice a week at the family household of my accusers.

Burns v. Reed, 500 U.S. 478, 486, 111 S. Ct. 1934, 114 L.Ed.2d 547 (1991): The law requires that the official seeking immunity to bear the burden of demonstrating that immunity attaches to the particular function. County or city employees could not bear the burden of demonstrating that sabotage, terrorism, extortion, theft under color of law, discrimination, racketeering, violation of due process, and takings without compensation attaches to their particular function of upholding the Constitution and protecting the property and rights of tax-paying citizens and property owners; therefore, the County would not be immune, either for the conduct of criminals posing as city or county employees.

Comment: As the conduct of the judges in my Claim for Damage(s) exceeds the burden of proof, Rockingham County is also liable and culpable for their employees under the Rico Act and Title 15 § 1. Also see and is precedent to this matter **U.S. v. Frega, 179 F.3d 793 (9th Cir. 1999) at 793**. Also cited within **LaLonde v. County of Riverside, 204 F.3d 947 (9th Cir. 2000)**, I have previously entered a RICO Act claim (multiple times) in the 10th Circuit - Family District - Court, brought such RICO Act claim to Dianne Martin and certified mail such to Attorney General John Formella and each time was rejected by the court and was not afforded a chance to replead as Stare Decisis Decision cited in **Platsky v. C.I.A. United States Court of Appeals, Second Circuit Nov 24, 1991, 1953 F.2d 26 (2d Cir. 1991)**.

Cooper v. Armstrong, 358 US 1, 78 S. Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it."

Comment: By the judges violations to the U.S. Constitution and the State of New Hampshire Constitution, they are in violation of war against both constitutions and violating their undertaking (Oath) to support it and that is treason and terrorism, and is precedent to this matter **Burns v. Reed, 500 U.S. 478, 486, 111 S. Ct. 1934, 114 L.Ed.2d 547 (1991)** and **US v. Will 449 US 200, 216 (1980)**.

In the Interest of Cooper, 621 P 2d 437; 5 Kansas App Div 2d 584, (1980).

Parent's interest in custody of their children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection.)

Comment: The interest in the custody of my child is a liberty interest which should have received considerable constitution protections. I have been deprived of the custody of my child since the 22nd of November, 2022 to current date (not temporarily) and have suffered grievous loss with no due process of law. Therefore I am to be awarded retroactive custodial time to start immediately and without the further arbitrary exercise of government exercise of powers. To also include all other relief to be honored immediately and without haste and to close this matter with prejudice. Also see and is precedent to this matter **Griswold v. Connecticut, 381 US 479, (1965).**

Doe v. Irwin, 441 F Supp 1247; U.S. D.C. of Michigan, (1985). The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by this amendment (First) and Amendments 5 and 9 and 14. The several states have no greater power to restrain individual freedoms protected by the First Amendment than does the Congress of the United States. **Wallace v. Jaffree, 105 S Ct 2479; 472 US 38, (1985).**

Comment: By the Stare Decisis Decision cited above, all named defendant(s) and agents unbeknownst to plaintiff have deprived me of the rights to the care and custody and nurture of my child and in doing such have violated the Constitutional government restrictions of the 1st and 5th and 9th and 14th Amendments to the U.S. Constitution, to also include but not limited to Articles of the State of New Hampshire Constitution 2 and 2-b and 7 and 12.

Haines -vs.- Kerner, 404 U.S. 519 (Reversed & Remanded), allegations such as those asserted by petitioner, however inartfully decreed, are sufficient... which we hold to less stringent standards than formal pleadings drafted by lawyers. and **Woods -vs- Carey, 525 F3d 886, 889-890 (Reversed & Remanded),** and claims Pro Per, in his own person, a rule in pleading that pleas to the jurisdiction of the Court must be pleaded in propria persona, see **Kay -vs.- Ehrler, 499 U.S. 432.** "...The requirement of standing, however, has a core component derived directly from the Constitution. A plaintiff must allege personal injury fairly traceable to defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." **Allen v. Wright, 468 U.S. 737 (1984).**

Comment: By the cited Stare Decisis Decision cited herein this document, I have exceeded the burden of proof to the allegations I have asserted and the injuries I have sustained by such. Therefore my claim for damages shall be honored to the fullest extent of the law. Also see and is precedent to this matter **Giozza v. Tiernan, 148 U.S. 657, 662 (1893),** I (the Individual) shall not be further subject to an arbitrary exercise of the powers of government."

In re: J.S. and C., 324 A 2d 90; supra 129 NJ Super, at 489. A parent's right to care and companionship of his or her children are so fundamental, as to be guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States Constitution.

Comment: By the deprivation of the care and companionship of my child since separation, on the 12th of November, 2022 to current date, this Stare Decisis Decision proves the violations of the government restrictions of the First and Ninth and Fourteenth Amendments of the United States Constitution.

Warnock v. Pecos County, Texas, 88 F3d 341 (5th Cir. 1996) Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law.

Comment: I have exceeded the burden of proof of mere allegations that the government agents (state officials) acted in violation of federal law and constitutional government restrictions, therefore they do not have any protections under the Eleventh Amendment and all damages shall be honored. Also see and is precedent to this matter **Pulliam v. Allen, 466 U.S. 522 (1984); 104 S. Ct. 1781, 1980, 1981, and 1985.**

LEGAL AND LAWFUL JUDICIAL AND CLERICAL NOTICE

1. In accordance with **PLATSKY v. C.I.A. United States Court of Appeals, Second Circuit Nov 24, 1991, 1953 F.2d 26 (2d Cir. 1991).** Reversing district court for dismissing pro se complaint for lack of standing without explaining formalities of pleading and affording pro se plaintiff an opportunity to replead.
2. Therefore the judge cannot merely dismiss my paperwork; he must instruct me as to the deficiencies so I may correct them.
3. The Uniform Commercial Code 3-402 is void. As mentioned in Point 1 the state constitution and the constitution for the United States authorizes that all government agents be removed from office for crimes against the people. Those constitutions are in conflict with the law and therefore the law is void because of the Supremacy Clause which states: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding. Judges and clerks are not protected by the illegal "magic signature" of U.C.C. 3-402.
4. The term *Parens patriae* is Latin for "parent of the country or homeland." Under *parens patriae*, a state or court has a paternal and protective role over its citizens or others subject to its jurisdiction. I again challenge that the *Parens Patriae* Doctrine is not valid, not legal and not lawful, and that the court cannot prove all 3 (valid, legal and lawful) in a written statement, subscribed and sworn or affirmed and attested under their full commercial liability and under penalty of perjury.

5. According to Canon Law, 32.28, A Court does not operate according to any true rule of law, but by presumptions of the law. I hereby challenge the presumptions of the BAR guild, so they do not and will not furthermore, stand as truth in commerce for all government agents involved in this matter and which may be involved in future interactions with me or my person.
6. Public Record. Because I am not a private Guild member, I hereby decree that this is a matter to be placed on the public record now and remain on the public record forevermore. Any and all government officers, agents, judges, magistrates, referees, justices of the peace, and any such title, are hereby bound to only obey their oath in accordance with Title 5 Section 3331 and either recuse themselves or denounce their secret oath or oaths to any organization(s) which were made previous to their public oath.
7. This matter is not to be held (convened) under the private BAR guild rules, but rather in a court of Trust Law, Common Law and Maritime Law under the rules of the United States Code (U.S.C. or A.K.A. Title) specifically, but not limited to Title 5, Title 7, Title 8, Title 9, Title 12, Title 15, Title 18, Title 31 and Title 42. Also under the rules of the Canons of Law, also under the rules of Maxims of Law (as listed in The Lawful Path.com website) and finally under the state or federal rules of Civil Rules of Civil Procedure, whichever of the 2 choices (state or federal) is appropriate. You and each of you are hereby bound to your public oath to serve the public.
8. Regarding Public Record. I have recorded my paperwork with the county recorder and a notary public. Any matter brought before a lower court is a matter for the public record, despite the fact it is presumed by the members of the BAR guild that the matter is a private BAR guild business matter and I hereby openly rebuke and reject secrecy as well as holding of a closed meeting (for BAR guild members only) by stating clearly that this controversy is on and is to remain on the public record.
9. For our purposes here, all members of the private BAR guild who have sworn a solemn and secret absolute oath to the guild, then act as public agents of the government or public officials by making additional oaths of public office that openly and deliberately contradict their private superior oath to the guild and unless openly rebuked and rejected the claim stands that these private BAR guild members are legitimate public servants and therefore trustees under the public oath. I do here an now administer that all agents involved in this matter who wish to maintain their secret absolute oath may do so, however, if they chose to do so they must recuse themselves from this controversy and replace their office with an officer who is willing to rebuke his secret absolute oath and proceed only as a public officer/ public agent with his only allegiance to remain as a public official (officer or agent). By remaining involved in this controversy, such will be deemed prima facie evidence that all agents, officers, officials and all such titles proceeding in this controversy have agreed to these terms and will act and operate only in their capacity as a public agent, officer, official for the remainder of these proceedings and face potential criminal and civil liabilities for violating the public trust (faith). To be clear judicial (judges, magistrates, etc.) and/ or clerical immunity (clerks at every level and subdivision) is hereby void.
10. Public Oath. Is that all members of the private BAR guild acting in the capacity of public officials who have sworn a solemn public oath remain bound by that oath and therefore are hereby bound to serve honestly,

- impartially and fairly as dictated by their oath. If any officer of the government has a conflict of interest due to a private oath, they must here and now recuse themselves from this controversy as I hereby decree you cannot stand under the public oath and the secret superior oath.
11. Key members of the private BAR guild in the capacity of public officials acting as judges, prosecutors and magistrates and any such titles, who have sworn a solemn public oath in good faith are hereby not immune from personal claims of injury and liability for reasons covered in Point 3 of this instrument (document).
 12. By custom, a summons un rebutted stands and therefore, one who attends court is presumed to accept the position and jurisdiction of the court. Attendance to court is by invitation by summons. Unless the summons is rejected and returned with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and the position as the accused and the existence of guilt stands. I hereby rebut this presumption of guilt by appearance and to show cause by special appearance, not general appearance.
 13. By custom a summons or warrant for arrest un rebutted stands and therefore, one who attends court is presumed to be a thing and therefore liable to be detained in custody by the custodians. This includes the dead legal fiction non-human person that corporate governments' rules and regulations are written for. Custodians may only lawfully hold custody or property and things and not flesh and blood, soul possessing beings. I hereby openly challenge by rejection of summons and/ or at the court, the presumption stands that you are a thing and property, and therefore lawfully able to be kept in custody by the custodians. Because I am a living homo novus (also known as the new homo sapiens) and an eternal being, I rebut and reject the idea my person may be held as surety for the bond and/ or for any monies owed. Furthermore, unless the government can produce a bonafide warrant supported by oath or affirmation I demand all charges be dismissed against my person and me immediately and correct the public record so my person and me will not be falsely detained in any future interactions with agents of the government.
 14. The presumption is that you may be listed as a resident, therefore a ward of a local government area and possibly have listed on your passport the letter "p" as you are a pauper and therefore under the under the guardian powers of the government and its' agents as the court of guardians. I hereby openly challenge this presumption because I am both a general guardian and an executor of the trust held before the court. The court has failed to prove I am by default a pauper and/ or a lunatic and therefore I may chose to disregard the rules of the clerk of guardians or the clerk of magistrates' court and all my paperwork must be accepted into the court record without fines or fees to me or my person in accordance with New York ex rel. Bank of Commerce v. Commissioner of Taxes for City and County of New York, 2 Black 620 (1863) Please take mandatory notice (Federal Rules of Evidence 201(d)) that the Plaintiff has a lawful right to proceed without cost, based upon the following law: The Supreme Court has ruled that a natural individual entitled to relief is entitled to free access to its judicial tribunals and public offices in every State in the Union (2 Black 620, see also Crandall v. Nevada, 6 Wall 35). Plaintiff should not be charged fees, or costs for the lawful and constitutional right to petition this court in this matter in which he is entitled

- to relief, as it appears that the filing fee rule was originally implemented for fictions and subjects of the State and should not be applied to the Plaintiff who is a natural individual and entitled to relief (*Hale v. Henkel* 201 U.S. 43).
15. Members of the private BAR guild presume I accept the office of trustee as a public servant and government employee just by attending a court as such, courts are always for public trustees, by the rules of the guild and the Roman system, unless this presumption is openly challenged the say you are merely visiting. I am here by special divine appearance, to clear up the matter and I am not a government employee or public trustee in this instance.
 16. The judge and/ or clerk of the court is not the executor in this matter and the prosecutor is not the beneficiary. For this matter at hand the private BAR guild appoint the judge/ clerk of the court as the magistrate in the capacity of executor while the prosecutor acts in the capacity of beneficiary of the trust for the current matter. I am the only authorized representative of the trust in the role of beneficiary and administrator, guardian and/ or general executor in the matter of trust before the court. For our purposes here I suggest you refer to the U.S. Supreme Court case *Luther versus Borden* cited at 48 US 1 12 Led 581 (1849) in which it was decided in pertinent part: "governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people as the original fountain might take away what they have delegated and entrust to whom they please. Since this matter concerns my trust I hereby reject any claim that any agency or agents of government have any authority over the trust involved in this matter. The trust is in my name so unless here and now the judge, clerk or prosecutor can produce such documentation that I signed away my rights to the trust, knowingly and willingly, after having been explained the depth and possible repercussions of such wavier, the corporate agents have no CLAIM on the trust and therefore no CLAIM over me or my person.
 17. Executor De San Tort (defined as: A person who without legal authority assumes control of a decedent's property as if he were executor.). I choose to assert my rights as executor and beneficiary of the trust as well as my body, mind and eternal soul so it is clear to all who witness this action that I am clearly not an Executor De San Tort. With the aforementioned being accepted as truth in law I respectfully ask the judge if he intends to commit fraud and act as the Executor De San Tort? On the condition he agrees not to commit such fraud, I accept his oath and indemnify him for any actions I demand he obey.
 18. Furthermore, I challenge the CLAIMS of psychiatry and psychology as being anything other than a pseudo science, false and without proof of its' claims. For a judge to ORDER a psychiatric evaluation, would be him practicing psychiatry or psychology without a license (not even a degree).
 19. As it is presumed to be a private business meeting of the BAR guild you are guilty weather you plead guilty or not plead or plead not guilty. Therefore, unless you either have previously prepared an Affidavit of Truth and MOTION TO DISMISS with extreme prejudice onto the public record or call a DEMURRER, then the presumption is you are guilty and the private BAR guild can hold you until a bond is prepared to guarantee the amount the guild wants to profit from you.
 20. I hereby CLAIM my status as a Natural Man, Un Persona Propria Sui Juris, and my minor account. Who has the following rights protected and

guaranteed by Treaties and Constitutions, International Laws and my self-determinism.

21. Furthermore Matthew saith not.

22. VOID WHERE PROHIBITED BY LAW.

23. Thus concludes my Testimony.

24. Thus concludes my LEGAL AND LAWFUL JUDICIAL AND CLERICAL NOTICE.

DEFINITIONS:

1) "Action", in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

2) "Aggrieved party" means a party entitled to pursue a remedy.

3) "Agreement", as distinguished from "contract", means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in Section 1-303.

4) Audio Recording means any and or all audio recordings which may include but may not include video.

5) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

6) "Bearer" means a person in possession of a negotiable instrument, document of title, or certificated security that is payable to bearer or indorsed in blank.

7) Belligerent means in international law as an adjective, it means to engage in a lawful war. As a noun, it designates either of two nations which are actually in a state of war with each other, as well as their allies actively co-operating, as distinguished from a nation which takes no part in the war and maintains a strict indifference as between the contending parties, called a "neutral".

8) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods.

9) "Branch" includes a separately incorporated foreign branch of a bank.

10) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

11) "BCSS" means BUREAU of CHILD SUPPORT SERVICES.

12) Color means an appearance, semblance, or simulacrum, as distinguished from that which is real.

13) Color of Law means The appearance or semblance, without the substance, of legal right.

14) Conspiracy means 'in criminal law' a combination or confederacy between 2 or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act. Constitution means Constitution for the United States of America. A.K.A. Federal Constitution.

15) Constitutional Right means any of the privileges or immunities protecting corporations under the State and/ or Federal Constitution.

16) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

17) "Contract", as distinguished from "agreement", means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

18) NHRCP means NEW HAMPSHIRE Rules of Civil Procedure.

19) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtors or assignor's estate.

20) Damages means money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct). Damages also means A pecuniary compensation or indemnity. which may be recovered in the courts by any person who has suffers a lass, detriment, or injury, whether to his person, property or rights, through the unlawful act or omission or negligence of another.

21) De facto means (Latin) meaning "in fact" or "actually." Something that exists in fact but not as a matter of law.

22) Defalcation means misappropriation of money or funds held by an official, trustee, or other fiduciary. The sum misappropriated.

23) "Delivery", with respect to an instrument, document of title, or chattel paper, means voluntary transfer of possession.

24) "DHHS" means DEPARTMENT of HEALTH and HUMAN SERVICES

25) De jure means (Latin) meaning "in law." Something that exists by operation of law.

26) Due process means; in criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, the legal rights of someone who confronts an adverse action threatening liberty or property.

27) Evidence means information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other.

28) Equitable means pertaining to civil suits in "equity" rather than in "law." In English legal history, the courts of "law" could order the payment of damages and could afford no other remedy (see damages). A separate court of "equity" could order someone to do something or to cease to do something (e.g., injunction). In American jurisprudence, the federal courts have both legal and equitable power, but the distinction is still an important one. For example, a trial by jury is normally available in "law" cases but not in "equity" cases.

29) Exclusionary Rule means doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.

30) Exculpatory Evidence means evidence indicating that a defendant did not commit the crime.

31) "Fault" means a default, breach, or wrongful act or omission.

32) Federal Question Jurisdiction means jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.

33) Foundation means Facts or Truths established by TESTIMONY or AFFIDAVIT entered into the public record with clean hands, good faith, fair business practices and full disclosure, to establish grounds (evidence, proof) for subsequent litigation(s).

34) "Good faith," except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

35) Hearsay means Statements of counsel or persons, in brief or argument, which are not supported by oath or affidavit. Rumors. Statements, which are not facts before the court. See *Trinsey v. Frank J. Pagliaro and Albert Foreman* 229 F. Supp. 647 (1964).

36) "Holder" means: (A) the person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession; or (B) the person in possession of a document of title if the goods are deliverable either to bearer or to the order of the person in possession.

37) Grand jury means a body of 16-23 citizens who listen to evidence of criminal allegations, which is presented by the prosecutors, and determine whether there is probable cause to believe an individual committed an offense. See also indictment and U.S. attorney.

38) Hearsay means evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial (see NRS 51 and Federal Rules of Evidence VIII).

39) Impeachment means: (A) The process of calling a witness's testimony into doubt. For example, if the attorney can show that the witness may have fabricated portions of his testimony, the witness is said to be "impeached;" (B) The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government, who are then tried by the Senate. 3. Article II Section 4 of the Constitution for the United States of America which claims; The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

40) Injunction means a court order preventing one or more named parties from taking some action. A preliminary injunction often is issued to allow fact-finding, so a judge can determine whether a permanent injunction is justified.

41) Interrogatories means a form of discovery consisting of written questions to be answered in writing and under oath.

42) Judge means an official of the Judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices who do not have secret superior oaths and only have allegiance to their public oath in accordance with Title 5 Section 3331.

43) Jurisdiction means 1) The legal authority of a court to hear and decide a certain

type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases. 2) The geographic area which employees of government and/ or corporations are authorized to operate in during the course of their duties.

44) LEO means Law Enforcement Officer and includes all law enforcement officers (Alcohol Tobacco and Firearms, Department of Homeland Security, Federal Bureau of Investigations, Drug Enforcement Agency and even includes the agents of the Central Intelligence Agency).

45) "Money" means a medium of exchange currently authorized or adopted by a domestic

or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

46) Nihil Dicit Tacit Acquiescence means to agree by going silent, literally they agreed by not speaking. Means an acceptance of liability.

47) N.H. Means the STATE of NEW HAMPSHIRE.

48) "N.H. DHHS-BCSS" means New Hampshire Department of Health and Human Services-Bureau of Child Support Services.

49) "NHRCP" means NEW HAMPSHIRE Rules of Civil Procedure.

50) "Organization" means a person other than an individual.

51) Peonage means a condition of enforced servitude by which the servitor is restrained of his liberty and compelled to labor in liquidation of some debt or obligations, real or pretended, against his will.

52) Persona Propria Sui Juris means the proper person within the law. The highest status and standing in law other than Providence.

53) Precedent means a court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent" - meaning that they use the principles established in earlier cases to decide new cases that have 9 similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case. See Stare Decisis.

54) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

55) Real injury means A real injury is inflicted by any act by which a person's honor or dignity is affected (Page 925 Black's Law 4th Edition).

56) "Record" means information that is inscribed on a tangible medium or that is stored in

an electronic or other medium and is retrievable in perceivable form.

57) "Remedy" means any remedial right to which an aggrieved party is entitled with or

acts to overthrow the government of the state to which the offender owes allegiance, or of betraying the state into the hands of a foreign power.

73) Matthew Hassell or Matthew means Matthew-Lane: Hassell as defined by TITLE 18 Section 1101. One of the People born in the territory of Texas. The clearly established and specifically designated Administrator and Beneficiary of the Texas Trust MATTHEW LANE HASSELL.

74) Trustee means the representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court and the direct supervision of the U.S. trustee or bankruptcy administrator. The trustee is a private individual or corporation appointed in all chapter 7, chapter 12, and chapter 13 cases and some chapter 11 cases. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate. In chapter 7, the trustee liquidates property of the estate, and makes distributions to creditors. Trustees in chapter 12 and 13 have similar duties to a chapter 7 trustee and the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.

75) UNITED STATES CITIZEN means a civilly dead entity operating as a co-trustee and co-beneficiary of the Public Charitable Trust, the constructive, cestui que trust of the US Inc. under the 14th Amendment, which upholds the debt of the USA and US Inc. (per congressional record, June 13th, 1967, pp. 15641-15646).

76) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

77) U.S.D. means United States Dollars. Also known as Federal Reserve Notes, a species of money.

78) Usurp means to seize and hold any office by force, and without right.

79) Video recording means any video or audio and video recording.

80) vs. means versus and introduces which 2 (or more) parties are in controversy.

VOID WHERE PROHIBITED BY LAW

ALL RIGHTS RESERVED WITHOUT PREJUDICE 1-308

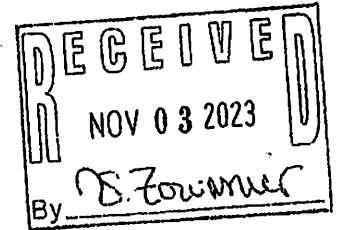
Date: 16th of October, 2023

Matthew-Lane: Hassell

Matthew-Lane: Hassell authorized agent of
MATTHEW LANE HASSELL
45 Falcon Crest Way
Manchester, New Hampshire [03104]
(603) 231-0844
mhas191@yahoo.com

FILED - USDC -NH
2023 NOV 3 PM2:25

**U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**



Matthew-Lane: Hassell,
Plaintiff

CIVIL ACTION NUMBER: 23-cv-472-JL-AJ

V.

U.S. District Court
District of New Hampshire

Devin Aileen Kimbark
DOES 1 - X
Defendant/(s)

NOTICE OF TEMPORARY DOMICILE CHANGE

2 Pages

Matthew-Lane: Hassell, Agent
20 Arlington St. Unit D
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(603)231-0844
mhas191@yahoo.com

Devin Aileen Kimbark
3 Stoneleigh Dr.
Derry, New Hampshire 03038
Phone Number Unknown
Dak0292@yahoo.com

3rd of November, 2023

1. Petitioner is hereby giving notice, being under duress and having unlawful extortion and seizure of his property and being under government attack and having, by no other choice to alleviate the harm(s) being forced upon him, will be temporarily changing his domicile location to 20 Arlington St. Unit D Nashua, New Hampshire [03060], effective immediately, in a conduct of competing harms pursuant to NH REV STATUTE 627:3
Competing Harms.

WHEREFORE, Petitioner, Matthew-Lane: Hassell, a Propria Persona Sui Juris, respectfully demand and instruct that this Honorable Court order the following relief:

- A. Change Venue of the State Case in the 10th CIRCUIT - FAMILY DIVISION - DERRY CASE NO.: 656-2022-DM-00737, to the United States District Court District of New Hampshire, for this matter to run concurrent with CASE NO.: 1:23-cv-00472-JL-AJ;
- B. Order a CEASE AND DESIST to the Bureau of Child Support Services;
- C. Grant any such further relief as Justice may require.

Platsky v. C.I.A. United States Court of Appeals, Second Circuit Nov 24, 1991, 1953 F.2d 26 (2d Cir. 1991). Reversing district court for dismissing pro se complaint for lack of standing without explaining formalities of pleading and affording pro se plaintiff an opportunity to replead.

I certify that a copy of the above mentioned motion has been hand delivered and/or forwarded by email and/or sent by USPS mail to Devin Aileen Kimbark and Mark Kimbark and Cheryl L. Kimbark and New Hampshire Judicial Branch Administrative Office Director Dianne Martin and/or David King Administrative Judge in regards to Todd H. Prevett (Judge) and Michael L. Alfano (Judge) and Kerry P. Steckowych (Judge).

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VOID WHERE PROHIBITED BY LAW

Date: 3rd of November, 2023

Matthew-Lane Hassell

Matthew-Lane: Hassell authorized agent of

MATTHEW LANE HASSELL

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